

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

John Michael Bale,

Plaintiff,

v.

Russell D Hauge,

Defendant.

CASE NO. 3:14-cv-05572-RBL

ORDER OF DISMISSAL

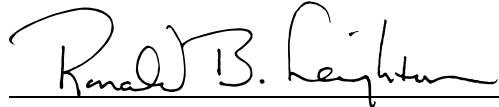
THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation (under 28 U.S.C. § 1915A) that Plaintiff's complaint be dismissed without prejudice to his filing a habeas corpus petition, and on Plaintiff's own motion seeking dismissal of his case without prejudice. Plaintiff, who is prisoner proceeding *in forma pauperis*, also asks the court to order the agency having custody over him to stop collecting and forwarding to this court the filing fee required under 28 U.S.C. § 1915(b)(1).

For the reasons articulated in the Report and Recommendation, the case is DISMISSED WITHOUT PREJUDICE, and the current filing counts as a strike under 28 U.S.C. § 1915(g). The agency housing Mr. Bale should **cease** collecting and forwarding to this court the filing fee for this

1 action, but there will not be any refund of funds already collected and paid to the Court. Otherwise,
2 Plaintiff's own Motion to Dismiss is DENIED AS MOOT. The matter is closed.

3
4 IT IS SO ORDERED.

5 Dated this 19th day of August, 2014.

6 
7

8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24